

AGINS, SIEGEL, REINER & BOUKLAS, LLP  
*Attorneys for Subpoenaed Non-Party Witness*  
Lucky Mott Realty LLC  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Filed Electronically

MIN YU XIAO,

Plaintiff,

No. 07 Civ 9430 (RWS)

– against –

LUCKY CHATHAM REALTY CORP. and  
RICHARD T. WONG,

Defendants.

**NOTICE OF MOTION**  
**(Quash Deposition Subpoena**  
**and/or for a Protective Order)**

PLEASE TAKE NOTICE that Lucky Mott Realty LLC, the recipient of a non-party subpoena and notice to take deposition, each dated March 20, 2008, will move for an order pursuant to Federal Rules of Civil Procedure Rules 26 and 45 quashing the subpoena and vacating the notice to take deposition. The grounds are that a deposition of the non-party is inappropriate in the circumstances; and in the alternative, if a deposition is permitted, the non-party witness is entitled to reasonable protection for confidential and proprietary information.

The papers in support are the affidavit of Richard Wong sworn to on May 16, 2008 (with exhibits) and a memorandum of law.

Dated: New York, New York  
May 16, 2008

Agins, Siegel, Reiner & Bouklas, LLP

By: s/ Charles M. Newman  
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